

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ERVIN & SMITH ADVERTISING AND  
PUBLIC RELATIONS, INC.,**

**Plaintiff,**

**v.**

**WILLIAM ERVIN, THOMAS ERVIN,  
LYNNETTE ROXBURGH, DAVID  
ZEMUNSKI, and BTM, INC., d/b/a  
ERVIN GROUP,**

**Defendants.**

**CASE NO. 8:08CV459**

**ORDER**

This matter is before the Court on the joint motion of Plaintiff Ervin & Smith Advertising and Public Relations, Inc. and Defendant David Zemunski to approve settlement and dismiss Zemunski (Filing No. 65). The stipulation complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Court finds that it should be approved. Further, the Court finds that the parties should bear their own costs and attorney fees. Accordingly,

**IT IS ORDERED:**

1. The parties' Joint Stipulation for Dismissal with Prejudice (Filing No. 65) is approved, and the relief requested therein is granted;
2. Plaintiff's claims against Defendant David Zemunski are dismissed with prejudice;
3. The parties will pay their own costs and attorney fees; and
4. The Clerk of the Court is directed to amend the caption in this case by terminating David Zemunski as a defendant.

DATED this 1<sup>st</sup> day of October, 2009.

**BY THE COURT:**

s/Laurie Smith Camp  
United States District Judge